

Upon recording mail to:
State Engineer's Office
Carson City, NV 89706-0818

OFFICE OF THE STATE ENGINEER

DOC # 347796

04/12/2005 09:42 AM

Official Record

Requested By
TODD O'BANION

Lyon County - NV
Mary C. Milligan - Recorder



0347796

P.O. Box 176
Wellington, NV 89444

64961 R01

Regarding Permit No. 64961 Certificate Number _____

This space reserved for recorders use only

AFFIDAVIT OF WITHDRAWAL OF WATER RIGHT IN FAVOR OF USE OF WATER FOR
DOMESTIC WELLS CREATED BY SUBDIVISION OR PARCELLING OF LAND

State of Nevada)

: ss

County of Lyon)

I, Todd James O'Banion, do hereby swear under penalty of perjury that the
assertions of this affidavit are true.

1. I am the owner of record of all / a portion of Permit No. 64961
(circle one) permit/certificate no or decreed right
as indicated in the records of the Nevada State Engineer.

2. I hereby withdraw an amount of water equivalent to: 6.06 acre feet

enter a total amount of water equal to the sum of 2.02 afis or 1800 gpd for each proposed lot

acre-feet annually from the water appropriated under Permit No. 64961
permit/certificate number or decreed right

The water right or portion of water right withdrawn was appurtenant to the land more

particularly described as follows: w/in E1/2 NW1/4 and NE1/4 SW1/4 Section 8
Describe land drying up; describe with quarter sections, section, township, range,

T9N, R24E, MDM

M.D.B. & M. and assessor's parcel numbers

M.D.B. & M. and assessor's parcel numbers

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3. This withdrawal of the water right or portion of the water right is for the purpose of
ANYING SURFACE WATER WITHIN OR SUPPLY THE EXISTING FROM OR UNDER THE LAND

described below and reflected on the attached map:

SE1/4 Section 21 T10N, R24E, MDM

Describe place where water will be used with quarter sections, section, township, range, M.D.B. & M. and assessors parcel numbers and attach map

See enclosed copies of maps

4. I understand that this withdrawal of all a portion of the above mentioned rights must be
(circle one)
approved by the Nevada State Engineer in order for this withdrawal to become effective and enforceable.

5. I understand this withdrawal shall become effective upon the date approved by the State Engineer. However, if a final subdivision map is not recorded in the office of the county recorder of the county wherein the land division is located within 18 months after the State Engineer's approval the base right holder may petition the State Engineer to void this withdrawal on the basis that all proceedings concerning the division of land have been terminated.

6. I understand once this water right or portion thereof is withdrawn based on the recordation of a final subdivision map recorded in the office of the county recorder of the county wherein the land division is located, as provided in NRS 278.380 (1993), or in the case of a final parcel map as provided in NRS 278.4725 (1993), the process cannot be reversed nor can I claim the water withdrawn as a water right.

7. Upon approval of this withdrawal by the State Engineer, I shall record this Affidavit of

7. Upon approval of this withdrawal by the State Engineer, I shall record this Affidavit of Withdrawal in the office of the county recorder of the county in which the final subdivision or parcel map is recorded. I shall also record this Affidavit of Withdrawal in the office of the

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county recorder of the county in which the old place of use was located, if it is not the same

8. I shall provide the State Engineer's Office with a copy of this recorded Affidavit of Withdrawal within thirty (30) days of recording the Affidavit with the county recorder.

DATED: This 9th day of December, 2004.

Todd James O'Banion
Affiant's Signature

Todd James O'Banion
Affiant's printed name

Post Office Box 176
Street Address

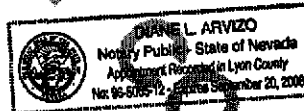
Wellington, Nevada 89444
City State Zip

Telephone Number

Subscribed and sworn to before me

this 9th day of December, 2004.

Diane L. Arvizo
Notary Public signature



Notary Stamp

APPROVED: This 25th day of MARCH, 2005.

W. H. H. P.E.
State Engineer's signature